

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

In re:)	MDL No. 1456
)	Civil Action No. 01-12257-
PBS)	
PHARMACEUTICAL INDUSTRY)	Subcategory No. 06-11337
AVERAGE WHOLESALE PRICE)	
LITIGATION)	
_____)	
)	
THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel. Ven-A-Care of</i>)	Judge Patti B. Saris
<i>the Florida Keys, Inc., by and through its principal</i>)	
<i>officers and directors, Zachary T. Bentley and</i>)	
<i>T. Mark Jones v. Actavis Mid Atlantic LLC, et al.</i>)	

**STIPULATION OF DISMISSAL WITH PREJUDICE OF TEVA PARTIES AND
MOTION FOR ORDER OF DISMISSAL WITH PREJUDICE**

The above-captioned matters are actions brought under the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3729, *et seq.*, by Relator Ven-A-Care of the Florida Keys, Inc. (the “Relator”) against Teva Pharmaceuticals USA, Inc., Ivax Corporation, Ivax Pharmaceuticals, Inc., Duramed Research, Inc., Zenith-Goldline Pharmaceuticals, Inc., Goldline Laboratories, Inc., Barr Pharmaceuticals, Inc., and Barr Laboratories, Inc. (collectively, “Teva”) (Teva together with Relator collectively the “Parties”).

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms of the Settlement Agreement and Release attached as Exhibit A hereto, the Parties hereby stipulate to the entry of an order dismissing all “Released Claims” for the “Covered Conduct” against the “Teva Released Parties” (as the terms in quotations are defined in the Settlement Agreement and Release) (attached hereto as Exhibit A). The United States consents to the requested dismissal, as set forth in the attached Exhibit B.

The Parties further stipulate that any claim the Relator or its counsel has to a Relator's share or for expenses, attorneys' fees, and costs shall not be the responsibility of Teva.

WHEREFORE, to permit them to effectuate the terms of their comprehensive settlement, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3730(b)(1), the Parties respectfully request that the Court enter an order in the form attached hereto as Exhibit C.

Respectfully submitted,

/s/ James J. Breen
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Counsel for Teva

Dated: August 9, 2010

CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing document, filed this 9th day of August, 2010 via the Court's ECF system, will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 9, 2010.

/s/ James J. Breen
James J. Breen